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09/187,768 11/06/98 CINCOTTA

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EXAMINER

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ART UNIT

PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

*Response to Amendment*

The reply filed on 3-12-01 is not fully responsive to the prior Office Action because of the following:

Newly amended claim 34 is directed to an invention that is independent or distinct from the invention which was originally examined for the following reasons (See 37 CFR 1.111) :

Originally, claim 34 (Paper No. 3) was drawn to a method for arresting the growth of or eradicating tumors in a mammal bearing one or more tumors comprising the steps of: a) administering a prolactin enhancer to said mammal, contacting the cells of said tumor with a photosensitizer; and exposing said contacted tumor cells to light. However, newly amended Claim 34 is now drawn to a materially distinct method which differ at least in objectives, method steps, reagents and/or dosages and/or schedules used, response variables, and criteria for success. For example, Claim 34 now includes new criteria for success comprising distinctly different steps such as "comparing the daily plasma prolactin profile of said tumor bearing mammal to a normal daily prolactin profile for healthy mammals of the same species and sex" prior to the administration of a prolactin enhancer. Further, newly amended claim 34 includes different reagents such as a "prolactin inhibitor" and alterations in scheduling which include "administration at appropriate time intervals of day", and distinct response variables, i.e. adjusting prolactin profiles of tumor bearing mammals such that they conform to the normal daily prolactin profile of the same species and sex of said mammal. As such, newly amended claim 34 is a materially distinct method which would have been restricted into a separate group had it been originally presented.

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